

Filed for intro on 02/15/2001

HOUSE BILL 1914

By Newton

AN ACT to amend Tennessee Code
Annotated Title 65, Chapter 11, relative
to railroad crossings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 11, Section 101 is
amended by adding the following sections:

(c) Notwithstanding the foregoing, after July 1, 2001, no railroad grade crossing, public or private, shall be constructed or converted from a private crossing to a public crossing, without the entity desiring the crossing having first submitted the plans for the construction or conversion of the proposed crossing to the department of transportation and obtained the department's approval of those plans. Prior to rendering its final decision, the department shall submit the plans it proposes to approve to the Federal Highway Administration, the affected local government, and the involved railroad for review and comment. Any developer, individual, corporation or other private entity desiring the construction or conversion of a crossing shall be responsible for all costs associated with constructing or converting said

crossing in compliance with the plans approved by the department. No railroad grade crossing, public or private, constructed or converted from a private crossing to a public crossing after July 1, 2001, shall be opened to vehicular traffic until such crossing is inspected by the department of transportation to assure that the crossing was constructed or converted in accordance with the approved plans.

- (d) The department of transportation shall promulgate standards pertaining to the construction or conversion of all grade crossings, including appropriate warning devices. The department shall not approve any plans for construction or conversion of a railroad grade crossing that do not comply with the promulgated standards.
- (e) The department of transportation shall charge a fee for this review and approval of plans for construction or conversion of railroad crossings and the inspection of the completed crossing, such fee to be sufficient to offset the cost to the department of performing these services. This fee is to be paid by the party seeking approval of the plans for the crossing.
- (f) The department of transportation shall promulgate rules and regulations pertaining to the approval of plans for construction or conversion of railroad grade crossings and the inspection of those crossings pursuant to subsections (c) through (e), above.
- (g) Subsections (c) through (f) above are not intended to apply to railroad grade crossings constructed or converted from a private crossing to a public crossing before July 1, 2002.

- (h) Upon receipt of an application for approval of plans under this section, the department of transportation shall notify the affected railroad and the governmental body having jurisdiction over the proposed location.
- (i) If a crossing is constructed or converted without complying with subsections (c) through (h) above, the affected railroad may remove the crossing and recover the cost of such removal from the party that constructed or converted the crossing.
- (j) Nothing in this section is intended to give the department of transportation the authority to permit the construction of private railroad grade crossings or of public railroad grade crossings on roads not designated as being on the state system of highways.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.